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Attorneys for Plaintiff 901 Ernston Road LLC

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

901 ERNSTON ROAD LLC,

Plaintiff,

v.

BOROUGH OF SAYREVILLE ZONING
BOARD OF ADJUSTMENT; *and*
BOROUGH OF SAYREVILLE,

Defendants.

Civil Action No.: 3:18-cv-02442-AET-TJB

**NOTICE OF EMERGENT APPLICATION
FOR AN ORDER TO SHOW CAUSE
WHY THE COURT SHOULD NOT
ISSUE A PRELIMINARY INJUNCTION**

Oral Argument Requested

Return Date: To be determined

(Document filed electronically)

PLEASE TAKE NOTICE that at a date and time to be set by the Court, pursuant to Federal Rule of Civil Procedure 65(a) and Local Civil Rule 65.1, Plaintiff, 901 Ernston Road LLC ("Plaintiff"), through its attorneys, Marino, Tortorella & Boyle, P.C. (Kevin H. Marino, Esq., appearing) and Kaufman, Coren & Ress, P.C. (Steven M. Coren, Esq., appearing), will request that the Honorable Anne E. Thompson, U.S.D.J., United States District Court for the District of New Jersey, Clarkson S. Fisher Federal Building & U.S. Courthouse, Courtroom 4W, 402 East State Street, Trenton, NJ 08608, enter an Order requiring Defendants, Borough of Sayreville Zoning Board of Adjustment and Borough of Sayreville (collectively, "Defendants"), to show cause why the Court should not grant a preliminary injunction (a) directing Defendants


* *Pro hac vice* applications to be submitted.

to issue all zoning approvals necessary for the construction and operation of a proposed residential drug and alcohol treatment facility (the “Facility”) at 901 Ernston Road, Borough of Sayreville, County of Middlesex, State of New Jersey (Block 438, lot 1, Block 452, lot 1, as shown on the current tax map of the Borough of Sayreville); and (b) enjoining Defendants from persisting in discriminatory conduct designed to thwart the construction and operation of the Facility.

PLEASE TAKE FURTHER NOTICE that in support of its Application and the Order to Show Cause, Plaintiff will rely on the Memorandum of Law and Certifications of Dr. Deni Carise and David B. Himelman, Esq. submitted herewith, and upon all prior pleadings had herein. A proposed form of Order is also submitted herewith.

PLEASE TAKE FURTHER NOTICE that Plaintiff respectfully requests oral argument on this application and the Order to Show Cause.

Dated: March 6, 2018
Chatham, New Jersey

Respectfully submitted,

BY: _____
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